

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JOSEPH BELLA,

Defendant.



20-CR-104-A
21-CR-31-A

SPEEDY TRIAL ORDER
(February 16, 2022 through April 20, 2022)

On February 10, 2022, the defendant filed a motion to adjourn the Change of Plea Hearing, scheduled for February 16, 2022. 21-CR-30-A, Dkt. 32. The Court converted the February 16, 2022 appearance from a Change of Plea Hearing into a Status Conference. On February 16, 2022, the parties appeared via Zoom and informed the Court that the Government had provided the defense with a written plea agreement that covered both dockets, however defense counsel requested that both dockets in this case be scheduled for a Change of Plea Hearing in approximately sixty (60) days to allow the defense time to review the proposed plea. The Court scheduled a Change of Plea Hearing on both dockets for April 20, 2022.

The government requests that the time between February 16, 2022 and April 20, 2022 be excluded from the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(1)(D), as the defendant's motion objecting to the Magistrate Judge's Report and Recommendation is still pending. The government also requests that the time between February 16, 2022 and April 20, 2022 be excluded from the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(7)(A) and (h)(7)(B)(iv), in that it is in the defendant's


interests to use this time to engage in plea negotiations with the government before there is an ultimate resolution of the suppression issues in the case. The defendant's interests in obtaining a plea in this case, and in securing effective assistance of counsel, outweigh the interests of the defendant and the public in a speedy trial.

Based on the representations made by counsel and the findings made by the Court, the government's request to exclude the Speedy Trial Act time between February 16, 2022 and April 20, 2022 is granted and the time is excluded from and including February 16, 2022, to and including April 20, 2022, pursuant to Title 18, United States Code, Sections 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(iv). Specifically, the exclusion of time in the interests of justice in that the defendant's interests in resolving the case by negotiated plea bargain outweigh the interests of the defendant and the public in a speedy trial, and the public's interest in conserving trial and appellate resources, combined with the certainty of conviction, outweigh the government's interest in a speedy trial.

NOW, it is hereby

ORDERED, for the reasons stated above, that the time in this action from and including February 16, 2022, to and including April 20, 2022, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Sections 3161(h)(1)(D)), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

DATED: Buffalo, New York, March 30, 2022.


HONORABLE RICHARD J. ARCARA
United States District Judge